THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21009 OF 2005

Date:27.09.2005

Between:

K.Ramesh Naidu, S/o.Krishnaiah Naidu,

CISF, Constable No.834472077, presently working at

National Remote Sensing Agency, Balanagar, Hyderbad.

… Petitioners

AND

The Deputy Inspector General, Central Industrial

Security Force, Rajaji Bhawan, Besant Nagar,

Chennai and another.

… Respondents

ORDER:

The petitioner is employed as 'Constable' in the Central Industrial Security Force (CISF). At present, he is attached to a unit at NSRA, Balanagar, Hyderabad. On an earlier occasion, he submitted an application on 04.09.2004, to the respondents, seeking voluntary retirement. The request of the petitioner was rejected by the Assistant Commandant, CISF Unit at NRSA, Hyderabad, on the ground that the petitioner did not complete twenty years of qualifying service. Detailed reasons were also indicated in support of the conclusion. Thereafter, the petitioner filed a fresh representation on 16.05.2005, for the same relief. According to him, he has since completed twenty years of qualifying service. His grievance is that the respondents have not passed any orders on the application so far.

Heard the learned counsel for the petitioner and Sri Battula Rajkiran, learned Additional Standing Counsel for the Central Government.

The request of the petitioner to permit him to voluntarily retire from service was turned down by the respondents through their orders, dated 13.10.2004, on the ground that he did not complete twenty years of qualifying service. The petitioner did not challenge the same. A fresh application was made by him on 16.05.2005. The question as to whether the petitioner has since completed twenty years of qualifying service or whether he fulfils the other conditions for being permitted to retire voluntarily needs to be considered by the respondents. Several factors need to be taken into account before an employee is permitted to retire voluntarily. The scrutiny is much more stringent in semi-armed forces like CISF. This Court cannot give any specific direction as to the entitlement of the petitioner, in this regard. However, the application of the petitioner cannot be kept pending indefinitely.

The writ petition is accordingly disposed of directing the

2nd respondent to pass appropriate orders on the application, dated 16.05.2005, submitted by the petitioner, in accordance with the relevant provisions of law, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:27.09.2005

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